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*NOT ADMITTED TO THE NEW YORK BAR

July 23, 2020

BY EMAIL/ECFThe Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007*United States v. Anilesh Ahuja,*
18 Cr. 328 (KPF)

Dear Judge Failla:

In advance of the conference scheduled for July 24, 2020, we write to provide the Court with a copy of an April 5, 2017 email exchange between the government and counsel for cooperating witness Frank Dinucci, which the government produced to the defense (in full) for the first time on July 16, 2020.¹ This document was referred to in the government's July 16, 2020 letter to the Court—and described as a "scheduling email chain"—but was not included as an exhibit or otherwise produced to the Court.

¹ The government previously produced at trial the portion of the email exchange up to and including a message sent on April 4, 2017 at 11:07 a.m. It did not include the subsequent exchanges between Dinucci's lawyer and the government.

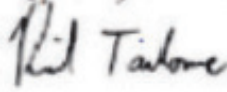
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Honorable Katherine Polk Failla

As reflected in the email, on April 4, 2017, at 8:27 p.m.—seemingly in response to a government request for a copy of Dinucci’s “proposed alloc[u]tion” earlier that day—Dinucci’s lawyer emailed one of the prosecutors, stating, “just left you a voice message.” (Ex. A at 2.) That voicemail message (which we understand would have been sent automatically to the prosecutor by email) has not been produced. The next morning, at 10:24 a.m., the government wrote to Dinucci’s lawyer, “Can we speak at 11? I think we would like a hard copy of the allocation to review but we can discuss briefly first.” (*Id.* at 1.) One minute later, Dinucci’s lawyer replied, “sure.” (*Id.*) At 12:07 p.m., Dinucci’s lawyer sent the government a “current version of Mr. Dinucci’s plea allocation.” (ECF 210, Ex. I.)

As far as we are aware, none of the oral communications with Dinucci’s lawyer about the allocation were memorialized. Nor has the government addressed why this email (like others identified in prior letters to the Court) was not previously produced.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rob Finzi", written over a light blue horizontal line.

Roberto Finzi

Richard C. Tarlowe

cc: Counsel of Record